



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 6, 2017

Mr. Rick Guerrero
Houston-Galveston Area Council
P.O. Box 22777
Houston, Texas 77227-2777

OR2017-12350

Dear Mr. Guerrero:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 660624.

The Houston-Galveston Area Council (the "council") received a request for all pricing submitted for a specified bid. Although you take no position as to whether the submitted information is excepted under the Act, you indicate release of this information may implicate the proprietary interests of CrowderGulf. Accordingly, you state, and provide documentation showing, you notified CrowderGulf of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from CrowderGulf. We have considered the submitted comments and reviewed the submitted information.

Although CrowderGulf objects to the release of its submitted information, we note CrowderGulf has not raised any specific exceptions to disclosure or otherwise adequately explained why its information should not be released. *See* Gov't Code § 552.305(b) (interested party may submit reasons why information pertaining to that party should be withheld). Accordingly, we have no basis for finding CrowderGulf has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party

must show by specific factual evidence, not conclusory or generalized allegations, that release of the requested information would cause that party substantial harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the council may not withhold the submitted information on the basis of any proprietary interest CrowderGulf may have in the information. The council must release the submitted information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/bw

Ref: ID# 660624

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)